



## **SUNY Ulster Board Policy Manual**

### **Title IX Coordinator**

The Title IX Coordinator is responsible for the College's compliance with Title IX of the Education Amendments of 1972. In this role, the Title IX Coordinator administers the review, investigation, and resolution procedures for reports of sexual misconduct. Please refer to the Reporting Policies & Procedures section for additional information on the role and duties of the Title IX Coordinator.

Ann Marrott VAN 250 phone: 687 5070 email: [marrotta@sunyulster.edu](mailto:marrotta@sunyulster.edu)

### **Reporting Policies & Procedures**

#### ***A. Where to Report All Acts of Sexual Misconduct/Violence***

##### **1. Filing a Complaint with the College:**

A student may file a complaint with one or more Offices, and each Office is prepared to assist the student with deciding on where complaints may be filed, if any, and the processes associated with each Office's complaint procedures. In addition, each Office is able to refer a student for academic accommodations and health care services.

A student may report sexual misconduct, including sexual harassment, sexual assault, domestic violence, dating violence, sexual assault, stalking, and cyber-stalking to the following offices:

1. Criminal complaint
  - a. Public Safety (687 5023 or in an emergency 687 5221)
2. Institutional complaint
  - a. Title IX Coordinator (687 5070)
  - b. Health Services (687 5246)
  - c. College Counselor (687 5192)
  - d. Employee Discipline - Office of Human Resources (845 687 5251)

##### **2. Filing a Complaint with a State and/or Federal Agency:**

A student who is not satisfied with the College's handling of a complaint, may also file a complaint with federal and state agencies. Attached is an Appendix listing the agencies and their respective contact information.

##### **3. Dual Filing a Complaint with the College and a State and/or Federal Agency:**

In addition, the Complainant may file a complaint with the appropriate State or Federal agency at any point during the process.

#### ***Role of the Title IX Coordinator in the Complaint Process:***



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*The Title IX Coordinator shall be notified of all sexual misconduct complaints by the College employee who took the complaint in order for the Title IX Coordinator to oversee the complaint processes and accommodations for the student.*

### ***B. Investigatory Procedures:***

1. ***Criminal complaints:*** the NYS and/or federal penal codes will apply, and the matter will follow the criminal processes through a police investigation, a referral to the District Attorney's Office for prosecution and the criminal court system for resolution.
2. ***Institutional complaints:*** the complaint will be handled through the College's Policy and Procedures Against Sexual Harassment.
3. ***Student Disciplinary complaints:*** the complaint will be handled through the College's Student Disciplinary Code.
4. ***Employee Disciplinary complaints:*** the complaint will be handled through the Office of Human Resources, in accordance with its procedures for complaints against management confidential employees, or for complaints against an employee who is a member of a union, in accordance with the disciplinary procedures set forth in the applicable NYS Collective Bargaining Agreements negotiated statewide through the NYS Governor's Office of Employee Relations.

### ***C. Evidentiary Standard in Institutional, Student Disciplinary and Employee Disciplinary Complaints:***

***Preponderance of the Evidence:*** the standard of proof in sexual misconduct cases, which asks whether it is "more likely than not" that the sexual misconduct occurred.

### ***Potential Outcomes under the Procedures:***

1. ***Criminal Complaints:*** The complaint may result in criminal penalties, such as fine, community service, probation, jail sentence, registration as a sex offender with the NYS or federal data bases.
2. ***Institutional Complaints:***
  - a. Under the ***sexual harassment policy***, if there is a finding that a sexual assault may have occurred ***and the alleged perpetrator is***
    - A ***student***, then the matter is referred to the Student Discipline process for student discipline, and the penalties may be disciplinary probation, suspension or expulsion from the College.
    - An ***employee***, then the matter is referred to the Office of Human Resources for employee discipline and the penalties may include fines,



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formal counseling, probation, suspension with or without pay, or termination from employment.

- b. Under the ***Student Discipline process***, the penalties may be disciplinary probation or suspension or expulsion from the College.
- c. Under the ***Employee Disciplinary process***, the penalties may be fines, formal counseling, probation, suspension with or without pay, or termination from employment.

### *D. Retaliation*

The College is firmly committed to a policy that encourages timely disclosure of sexual misconduct. Any person, who, in good faith, reports sexual misconduct will be protected from retaliation (defined as an adverse action taken because an individual has engaged in protected activities), threats of retaliation, suspension or discharge from an educational opportunity or employment, or any other forms or means of discrimination because this person reported alleged sexual misconduct.

### *E. Confidentiality and Reporting Protocol*

If a crime of sexual misconduct has occurred, including dating violence, domestic violence, sexual assault, or stalking, the College encourages accurate and prompt reporting of these crimes to the campus police or State and local police agencies. However, it can be difficult for a victim to come forward after such an event, and there are several options available for students who wish to maintain confidentiality while getting the support they need. Different employees on campus have different abilities to maintain a victim's confidentiality:

1. **Privileged Communications**: Some employees are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
  2. **No Personally Identifying Information**: Other employees may talk to a victim in confidence, and generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a College investigation into an incident against the victim's wishes.
  3. **Responsible Employees**: These employees are required to report all the details of an incident (including the identities of both the victim and accused) to the Title IX coordinator. A report to these employees (called “responsible employees”) constitutes a report to the College—and generally obligates the College to investigate the incident and take appropriate steps to address the situation.
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